

The City Council of the City of Mattoon held a rescheduled meeting in the Council Chambers at City Hall on July 7, 2004 at 6:57 p.m. after a 6:30 p.m. caucus session.

Mayor Carter presiding.

Mayor Carter led the Pledge of Allegiance to the United States of America.

The following members of the Council answered roll call: YEA Commissioner Mark Donnell, YEA Commissioner Harold Gambill, YEA Commissioner Jerrold Hesse, YEA Commissioner David Schilling, YEA Mayor David E. Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to approve the minutes of the regular meeting held on June 15, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Schilling moved to approve the department report of the Police Department for the month of May.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mr. Lee Graham approached the Council requesting the City to initiate an organization at the City level where civil rights violations could be heard. He further requested the Council to adopt an ordinance to protect community members' civil rights.

Mayor Carter seconded by Commissioner Gambill moved to adopt Resolution 2004-2555, authorizing Taylor Law Offices to file suit to enforce terms of certain covenants that provided that territory in Rolling Greens Subdivision would be annexed when it became contiguous to the City of Mattoon.

Mayor Carter opened the floor for discussion. Council disputed the necessity of filing the suit. Ed Behm, a resident of Rolling Greens Subdivision, questioned the City's expenditures in the subdivision. Public Works Director David Wortman stated the expenditures would arise from the fire and police departments.

Mayor Carter declared the motion failed by the following vote: NAY Commissioner Donnell, YEA Commissioner Gambill, NAY Commissioner Hesse, NAY Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Schilling moved to adopt Resolution 2004-2557, authorizing an Agreement with the Illinois Department of Transportation appropriating up to \$11,875 of Motor Fuel Tax Funds for a \$385,250 project to be assisted by federal transportation funds for the improvement of traffic signals at the intersection of State Route 16 with 6th Street, Logan Street and Lerna Road.

CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2004-2557

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE ILLINOIS
DEPARTMENT OF TRANSPORTATION APPROPRIATING UP TO \$11,875 OF
MOTOR FUEL TAX FUNDS FOR A \$385,250 PROJECT TO BE ASSISTED BY
FEDERAL TRANSPORTATION FUNDS FOR THE IMPROVEMENT OF TRAFFIC

SIGNALS AT THE INTERSECTION OF STATE ROUTE 16 WITH 6TH STREET,
LOGAN STREET AND LERNA ROAD

BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS.

Section 1. The Mayor and City Clerk are authorized to sign “Agreement No. JN-504006” with the Illinois Department of Transportation appropriating up to \$11,875 of Motor Fuel Tax Funds for a \$385,250 project to be assisted by federal transportation funds for the improvement of traffic signals at the intersection of State Route 16 with 6th Street, Logan Street and Lerna Road. A copy of said Agreement is attached and incorporated herein by reference.

Section 2. The Mayor and City Clerk are also authorized to sign exhibits attached to the Agreement as follows:

- A. A resolution certifying the City will adopt and put into effect appropriate ordinances prohibiting parking at such locations on or immediately adjacent to this improvements as may be determined necessary the State from traffic capacity studies (Exhibit B);
- B. A resolution certifying the City will adopt and put into effect appropriate ordinances prohibiting the discharge of sanitary sewage and industrial waste water into any storm sewers constructed as part of this improvement (Exhibit C): and
- C. A resolution certifying the City will adopt and put into effect appropriate ordinances prohibiting any new encroachments with the limits of the improvements (Exhibit D).

Upon motion by Commissioner Hesse, seconded by Commissioner Schilling, adopted this 7th day of July, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill
Commissioner Hesse, Commissioner Schilling
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 7th day of July, 2004.

/s/ David E. Carter
David Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen, City Attorney
J. Preston Owen, City Attorney

Recorded in the Municipality's records on July 8th, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill,

YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Hesse moved to adopt Resolution 2004-2556, appropriating a revised sum of \$460,000 of Motor Fuel Tax Funds as the local share of an agreement with the Illinois Department of Transportation for a \$1,498,570 project for reconstruction of the Champaign Avenue Bridge to be awarded to A. J. Walker Construction Co. of Mattoon.

RESOLUTION NO. 2004-2556

RESOLUTION FOR IMPROVEMENT BY MUNICIPALITY
UNDER THE ILLINOIS HIGHWAY CODE.

BE IT RESOLVED, by the Council of the City of Mattoon Illinois that the following described street(s) be improved under the Illinois Highway Code:

<u>Name of Thoroughfare</u>	<u>Route</u>	<u>From</u>	<u>To</u>
Champaign Avenue	FAU 7667	West side of 17 th Street	East side of 16 th Street

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of the replacement of Champaign Avenue structure over the CNICRR and necessary approach roadway work, and shall be constructed 40' wide and be designated as Section 02-00102-00-BR.
2. That there is hereby appropriated the sum of Four Hundred and Sixty Thousand Dollars (\$460,000.00) for the improvement of said section from the municipality's allotment of Motor Fuel Tax Funds.
3. That work shall be done by Contract; and,

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

I, Susan J. O'Brien Clerk in and for
the City of Mattoon, County of Coles,
hereby certify the foregoing to be a true,
perfect and complete copy of a resolution
adopted by the Council at a meeting on July 7,
2004.

IN TESTIMONY WHEREOF, I have hereunto set my hand
and seal this 8th day of July, 2004.

/s/ Susan J. O'Brien
Susan J. O'Brien
City Clerk

Mayor Carter opened the floor for discussion. After Susan Kirby questioned where the money comes from and could the money be used elsewhere in the City, Commissioner Hesse with input from David Wortman responded that funds from the federal government through the State of Illinois, from the railroad, and from the Motor Fuel Tax (State gas tax) funds were

available. There had already been expenditures for the planning of the bridge incurred, and the City would have one million dollars in assets upon completion of the bridge.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Donnell moved to adopt Ordinance 2004-5184, establishing authority for a stop sign at 19th Street Spur Road where it approaches 19th Street from the South and prohibiting parking on both sides of 19th Street Spur Road a distance of 140 feet south from 19th Street.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2004-5184

AN ORDINANCE ESTABLISHING AUTHORITY FOR A STOP SIGN AT 19th STREET SPUR ROAD WHERE IT APPROACHES 19th STREET FROM THE SOUTH AND PROHIBITING PARKING ON BOTH SIDES OF 19th STREET SPUR ROAD A DISTANCE OF 140 FEET SOUTH FROM 19th STREET

BE IT ORDAINED by the City Council of the City of Mattoon, Coles County, Illinois as follows:

Section 1. Subparagraph (E) of Schedule III of Chapter 74 of the City of Mattoon Code of Ordinances is hereby amended by the addition of the following one-way stop intersection:

<i>One-Way Stop Intersections</i>		
<i>Street</i>	<i>Stops Approaching</i>	<i>Direction</i>
South 19 th Street Spur Road	19 th Street	From the South

Section 2. Schedule I of Chapter 75 of the City of Mattoon Code of Ordinances is hereby amended by the addition of the following parking restrictions:

<u>No Parking</u>				
<i>STREET</i>	<i>DESCRIPTION</i>	<i>SIDE</i>	<i>ORD. NO.</i>	<i>DATE</i>
South 19 th Street Spur Road	From the intersection of South 19 th with South 19 th Spur Road (the section leading to a dead end near Old State Road) south a distance of 140 feet	Both	2004-5184	7-7-04

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Hesse, seconded by Commissioner Donnell, adopted this 7th day of July, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill
Commissioner Hesse, Commissioner Schilling
Mayor Carter

NAYS (Names): None

ABSENT (Names) None

Approved this 7th day of July, 2004.

/s/ David E. Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 8th, 2004.

Mayor Carter opened the floor for discussion. Council discussed the location of the stop sign and noted that both parties had agreed to the stop sign.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Schilling moved to adopt Special Ordinance 2004-1036, approving a budget revision and authorizing the Mayor to sign an Agreement with the Illinois Environmental Protection Agency for a \$250,000 grant for a wetlands restoration project at Lake Paradise.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO 2004-1036

AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH
THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY FOR A \$250,000
GRANT FOR A WETLANDS RESTORATION PROJECT AT LAKE PARADISE

WHEREAS, Special Ordinance No. 2004-1021 adopted on February 3, 2004 authorized a \$300,000 grant agreement with the Illinois Environmental Protection agency to assist with the cost of a \$815,000 "Clean Lakes Project" at Lake Paradise for sediment retention, wetland development, shoreline enhancement, septic system inspection, fish crib installation, an educational program and a post-restoration monitoring report; and

WHEREAS, now comes the Illinois Environmental Protection Agency with a "319" grant offer for additional \$250,000 for a wetlands restoration component of the Clean Lakes Project; and

WHEREAS, this "319" wetlands restoration grant will reduce the local matching share of the \$815,000 "Clean Lakes Project" to be expended over a term of eight years from \$515,000 to \$265,000; and,

WHEREAS, this grant requires execution of an agreement whereby the City must agree with terms and conditions of the grant.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The mayor is authorized to sign grant agreement with the Illinois Environmental Protection Agency, a copy of which is attached hereto and incorporated herein by reference.

Section 2. The budget for the "Lake Paradise Phase II Implementation Project" is hereby amended by the addition of \$250,000 from Illinois EPA Grant #3190120 to supplement \$300,000 anticipated from Illinois EPA Grant #23011 and revenues received from supplying water from Lake Mattoon to Reliance Energy to underwrite the \$815,000 expenditures allocable to this project.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Gambill, seconded by Commissioner Schilling, adopted this 7th day of July, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill
Commissioner Hesse, Commissioner Schilling
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 7th day of July, 2004.

/s/ David E. Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen, City Attorney

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 8th, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Donnell moved to approve Council Decision Request 2004-325, approving an assignment of Lake Paradise Ground Lease No. 110 from Danny & Vickie Phillips to Jerry Smith subject to evidence that the septic system is operating properly or has been upgraded according to standards promulgated pursuant to the Illinois Private Sewage Disposal Licensing Act.

Mayor Carter opened the floor for discussion. Commissioner Gambill announced that the property had passed inspection.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Schilling moved to approve Council Decision Request 2004-326, authorizing a \$9,000 engineering agreement with Clark Dietz for design of a project to remove storm water from the

sanitary sewer system north SR-45.

Mayor Carter opened the floor for discussion. Commissioner Gambill commented that Riley Creek had distributed considerable amounts of water into the City's system, which Director Wortman concurred the system would remove the water from the City's system.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Donnell moved to approve Council Decision Request 2004-327, reporting bids received and authorizing a \$17,325 procurement of services from C & H Gravel of Teutopolis to grind waste concrete to be recycled for road and alley subbase material.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Abstain Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Gambill moved to approve Council Decision Request 2004-328, reporting bids received and authorizing a \$18,496 procurement of crack sealing material from Clayco Midwest of Granite City.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Hesse moved to approve Council Decision Request 2004-329, reporting bids received and authorizing a \$23,079 procurement of services from Tom Busher for sidewalk construction and repairs.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to approve Council Decision Request 2004-330, authorizing adjustments in the sewer utility bills of Lender Bagels and Mattoon Precision Manufacturing.

Mayor Carter opened the floor for discussion. City Administrator Richard Underkofler explained the surcharges from BODs and clerical errors when transferring from the meter reads and billing system, which was discovered through an internal audit.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Hesse moved to approved Council Decision Request 2004-331, establishing a fee of \$10.00 per cubic yard waste site.

Mayor Carter opened the floor for discussion. Council discussed with Jackie Record that the fees were for commercial vendors, the definition of commercial was someone hired, and should be a convenience for commercial providers to allow the disposal of yard waste.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter opened the floor for public discussion. Director Wortman announced that he would be working with Finance Director Kim Leffler to prepare vouchers for the municipal yard waste site. Renee Brooks of Mattoon reinforced Lee Graham's petition for a human rights' committee. Mr. Graham inquired as to the next step. Administrator Underkofler would assist Mr. Graham after reviewing his documents.

Mayor Carter seconded by Commissioner Donnell moved to adjourn to executive session to discuss matters that may lawfully be discussed in closed session: topics pertaining to personnel, real estate or potential litigation, including review of Council Decision Request 2004-332 for the Executive Session minutes determined to be no longer confidential and available for public inspection, Telecommunicator Dispatch Study, bills for litigation, review performance appraisal report for Finance Director, Kim Leffler.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Council reconvened at 8:52 p.m.

Commissioner Schilling seconded by Commissioner Donnell moved to approve Council Decision Request 2004-332, approving the release of Executive Session Minutes determined to be no longer confidential and available for public inspection (05/01/01; 11/19/02; 12/23/02; 01/21/03; 08/05/03; 09/16/03; 10/7/03; 12/16/03; 2/17/04).

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Schilling moved to approve Bills & Payroll for the last half of June.

Bills and Payroll

General Fund

Payroll	\$ 224,646.26
Bills	<u>\$ 153,020.05</u>
Total	\$ 377,666.31

Hotel Tax Fund

Payroll	\$ 1,743.23
Bills	<u>\$ 3,435.24</u>
Total	\$ 5,178.47

Festival Management

Bills	<u>\$ 16,503.45</u>
Total	\$ 16,503.45

Insurance & Tort Judgment

Bills	<u>\$ 73,337.47</u>
	\$ 73,337.47

Capital Project

Bills		\$ 28,487.52
	Total	\$ 28,487.52
<u>Water Fund</u>		
Payroll		\$ 34,653.82
Bills		\$ 155,279.46
	Total	\$ 189,933.28
<u>Sewer Fund</u>		
Payroll		\$ 29,399.50
Bills		\$ 446,793.29
	Total	\$ 476,192.79
<u>Cemetery Fund</u>		
Payroll		\$ 2,167.94
Bills		\$ 6,612.56
	Total	\$ 8,780.50
<u>Health Insurance</u>		
Bills		\$ 29,843.92
	Total	\$ 29,843.92
<u>Motor Fuel Tax</u>		
Bills		\$ 27,018.63
	Total	\$ 27,018.63
<u>Revolving Loan</u>		
Bills		\$ 101.00
	Total	\$ 101.00

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to adjourn to 8:53 p.m.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, ____Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

/s/Susan J. O'Brien
City Clerk